BEFORE THE DIVISION OF MEDICAL QUALITY MEDICAL BOARD OF CALIFORNIA DEPARTMENT OF CONSUMER AFFAIRS STATE OF CALIFORNIA

In the Matter of the Accusation Against:)	
STEVEN R. LARSEN, M.D. Certificate No. G-27758)))	No: 08-1998-84009
Respon) ndent)	

DECISION

The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Division of Medical Quality as its Decision in the above-entitled matter.

This Decision shall become effective at 5:00 p.m. on March 13, 2000

IT IS SO ORDERED February 11, 2000

By:

IRA LUBELL, M.D.

President

Division of Medical Quality

1	BILL LOCKYER, Attorney General of the State of California
2	GAIL M. HEPPELL, Supervising
3	Deputy Attorney General ISA R. RODRIGUEZ (State Bar No. 104838)
4	Deputy Attorney General California Department of Justice
	2550 Mariposa Mall, Rm. 5090 Fresno, California 93721
5	Telephone: (559) 488-7384
6	FAX: (559) 445-5106
7	Attorneys for Complainant
8	BEFORE THE
و	DIVISION OF MEDICAL QUALITY MEDICAL BOARD OF CALIFORNIA
10	DEPARTMENT OF CONSUMER AFFAIRS
11	STATE OF CALIFORNIA
12	In the Matter of the Accusation Against: Case No. 08-1998-84009
13	STEVEN R. LARSEN, M.D.) OAH No. N-1999-090148
14	1800 Easy Street Hanford, California 93230 STIPULATED SETTLEMENT AND
15	Physician and Surgeon's Certificate No. G-27758, DISCIPLINARY ORDER
16	Respondent.
17	<u> </u>
18	IT IS HEREBY STIPULATED AND AGREED by and between the parties to
19	the above-entitled proceedings that the following matters are true:
20	1. An Accusation in case number 08-1998-84009 was filed with the
21	Division of Medical Quality, of the Medical Board of California, Department of Consumer
22	Affairs (the "Division") on May 27, 1999, and is currently pending against STEVEN R.
23	LARSEN, M.D. (the "respondent").
24	2. The Accusation, together with all statutorily required documents, was
25	duly served on the respondent on or about May 27, 1999, and respondent filed his Notice of
26	Defense contesting the Accusation on or about September 17, 1999. A copy of Accusation
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No. 08-1998-84009 is attached as Exhibit "A" and hereby incorporated by reference as if fully set forth.

- 3. Complainant, Ron Joseph, is the Executive Director of the Medical Board of California and brought this action solely in his official capacity. The Complainant is represented by the Attorney General of California, Bill Lockyer, by and through Deputy Attorney General Isa R. Rodriguez.
- 4. At all times relevant herein, respondent has been licensed by the Medical Board of California under Physician and Surgeon's Certificate No. G-27758.
- 5. Respondent is represented in this matter by Tyler Draa, Esq., whose address is Hinshaw, Winkler, Draa, Marsh & Still, 12901 Saratoga Ave., Saratoga, California 95070-9998.
- 6. Respondent and his attorney have fully read and discussed the charges contained in Accusation Number 08-1998-84009. Respondent has been fully advised regarding his legal rights and the effects of this Stipulated Settlement and Disciplinary Order.
- 7. Respondent understands the nature of the charges alleged in the Accusation and that, if proven at hearing, the charges and allegations would constitute cause for imposing discipline upon his Physician and Surgeon's Certificate. Respondent is fully aware of his right to a hearing on the charges contained in the Accusation, his right to confront and cross-examine witnesses against him, his right to the use of subpoenas to compel the attendance of witnesses and the production of documents in both defense and mitigation of the charges, his right to reconsideration, court review and any and all other rights accorded by the California Administrative Procedure Act and other applicable laws.
- 8. Respondent knowingly, voluntarily and irrevocably waives and gives up each of these rights.
- 9. Respondent denies each and every allegation of gross negligence or incompetence but acknowledges that at a hearing the Board could establish a prima facie case for repeated negligent acts pursuant to Code section 2234(c). Respondent asserts that at a

hearing he could raise defenses to the allegations contained in Accusation No. 08-1998-84009
but for purposes of this stipulation only chooses to forego such defenses and hereby waives
them. Respondent agrees that he has thereby subjected his Physician and Surgeon's Certificate
to disciplinary action. Respondent agrees to be bound by the Division's Disciplinary Order as
set forth below. The admissions made by respondent herein are for the purpose of this
proceeding and any other proceedings in which the Division of Medical Quality, Medical
Board of California, or other professional licensing agency is involved, and shall not be
admissible in any other criminal or civil proceedings.

- 10. In mitigation, respondent asserts that this was an isolated incident which he has already taken steps to correct and that this is the only time in over 21 years of practice that he has been disciplined by the Board.
- and in the emergency room setting, the Board determines that there are compelling circumstances to warrant the continuance of Medi-Cal reimbursement during the probationary period.
- 12. Based on the foregoing admissions and stipulated matters, the parties agree that the Division shall, without further notice or formal proceeding, issue and enter the following order:

DISCIPLINARY ORDER

G-27758 issued to STEVEN R. LARSEN, M.D., is revoked. However, the revocation is stayed and respondent is placed on probation for three (3) years on the following terms and conditions. Within fifteen (15) days after the effective date of this decision the respondent shall provide the Division, or its designee, proof of service that respondent has served a true copy of this decision on the Chief of Staff or the Chief Executive Officer at every hospital where privileges or membership are extended to respondent or where respondent is employed

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to practice medicine and on the Chief Executive Officer at every insurance carrier where malpractice insurance coverage is extended to respondent.

- 1. <u>EDUCATION COURSE</u> Within ninety (90) days of the effective date of this decision, and on an annual basis thereafter, respondent shall submit to the Division or its designee for its prior approval an educational program or course in the area of emergency care, which shall not be less than 10 hours per year, for each year of probation. This program shall be in addition to the Continuing Medical Education requirements for re-licensure. Following the completion of each course, the Division or its designee may administer an examination to test respondent's knowledge of the course. Respondent shall provide proof of attendance for 35 hours of continuing medical education of which 10 hours were in satisfaction of this condition and were approved in advance by the Division or its designee.
- 2. <u>ETHICS COURSE</u> Within sixty (60) days of the effective date of this decision, respondent shall enroll in a course in Ethics approved in advance by the Division or its designee, and shall successfully complete the course during the first year of probation.
- oral clinical exam in emergency care to be administered by the Division, or its designee. This examination shall be taken within ninety (90) days after the effective date of this decision. If respondent fails the first examination, respondent shall be allowed to take and pass a second examination, which may consist of a written as well as an oral examination. The waiting period between the first and second examinations shall be at least three (3) months. If respondent fails to pass the first and second examination, respondent may take a third and final examination after waiting a period of one (1) year. Failure to pass the oral clinical examination within eighteen (18) months after the effective date of this decision shall constitute a violation of probation. The respondent shall pay the costs of these examinations within ninety (90) days of the administration of each exam. Failure to pay these costs shall constitute a violation of probation.

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If respondent fails the first examination, respondent shall be suspended from the practice of medicine until a repeat examination has been successfully passed, as evidenced by written notice to respondent from the Division or its designee.

- 4. <u>OBEY ALL LAWS</u> Respondent shall obey all federal, state and local laws, all rules governing the practice of medicine in California, and remain in full compliance with any court ordered criminal probation, payments and other orders.
- 5. <u>OUARTERLY REPORTS</u> Respondent shall submit quarterly declarations under penalty of perjury on forms provided by the Division, stating whether there has been compliance with all the conditions of probation.
- 6. PROBATION SURVEILLANCE PROGRAM COMPLIANCE Respondent shall comply with the Division's probation surveillance program. Respondent shall, at all times, keep the Division informed of his business and residence addresses which shall both serve as addresses of record. Changes of such addresses shall be immediately communicated in writing to the Division. Under no circumstances shall a post office box serve as an address of record.

Respondent shall also immediately inform the Division, in writing, of any travel to any areas outside the jurisdiction of California which lasts, or is contemplated to last, more than thirty (30) days.

- 7. INTERVIEW WITH THE DIVISION, ITS DESIGNEE OR ITS DESIGNATED

 PHYSICIAN(S) Respondent shall appear in person for interviews with the Division, its designee or its designated physician(s) upon request at various intervals and with reasonable notice.
- PRACTICE In the event respondent should leave California to reside or to practice outside the State or for any reason should respondent stop practicing medicine in California, respondent shall notify the Division or its designee in writing within ten (10) days of the dates of departure and return or the dates of non-practice within California. Non-practice is defined as any period of time exceeding thirty (30) days in which respondent is not engaging in any activities defined in Sections 2051 and 2052 of the Business and Professions Code. All time spent in an

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intensive training program approved by the Division or its designee shall be considered as time spent in the practice of medicine. Periods of temporary or permanent residence or practice outside California or of non-practice within California, as defined in this condition, will not apply to the reduction of the probationary period.

- 9. <u>COMPLETION OF PROBATION</u> Upon successful completion of probation, respondent's certificate shall be fully restored.
- respect, the Division, after giving respondent notice and the opportunity to be heard, may revoke probation and carry out the disciplinary order that was stayed. If an accusation or petition to revoke probation is filed against respondent during probation, the Division shall have continuing jurisdiction until the matter is final, and the period of probation shall be extended until the matter is final.
- Division the amount of \$3,200.00 for its investigative and prosecution costs. The \$3,200.00 shall be paid in four quarterly installments of \$800.00 each with the first payment due within ninety (90) days after the effective date of this decision and each subsequent installment within ninety (90) days after the previous one. Failure to reimburse the Division's cost of investigation and prosecution shall constitute a violation of the probation order, unless the Division agrees in writing to payment by an installment plan because of financial hardship. The filing of bankruptcy by the respondent shall not relieve the respondent of his responsibility to reimburse the Division for its investigative and prosecution costs.
- 12. PROBATION COSTS Respondent shall pay the costs associated with probation monitoring each and every year of probation, which are currently set at \$2,304.00, but may be adjusted on an annual basis. Such costs shall be payable to the Division of Medical Quality and delivered to the designated probation surveillance monitor at the beginning of each calendar year. Failure to pay costs within thirty (30) days of the due date shall constitute a violation of probation.

13. LICENSE SURRENDER Following the effective date of this decision, if respondent ceases practicing due to retirement, health reasons or is otherwise unable to satisfy the terms and conditions of probation, respondent may voluntarily tender his certificate to the Board. The Division reserves the right to evaluate the respondent's request and to exercise its discretion whether to grant the request, or to take any other action deemed appropriate and reasonable under the circumstances. Upon formal acceptance of the tendered license, respondent will not longer be subject to the terms and conditions of probation.

CONTINGENCY

This stipulation shall be subject to the approval of the Division of Medical Quality. Respondent understands and agrees that Board staff and counsel for complainant may communicate directly with the Division regarding this stipulation and settlement, without notice to or participation by respondent or his counsel. If the Division fails to adopt this stipulation as its Order, the stipulation shall be of no force or effect, it shall be inadmissible in any legal action between the parties, and the Division shall not be disqualified from further action in this matter by virtue of its consideration of this stipulation.

ACCEPTANCE

I have read the above Stipulated Settlement and Disciplinary Order. I have fully discussed the terms and conditions and other matters contained therein with my attorney, Tyler Draa, Esq. I understand the effect this Stipulated Settlement and Disciplinary Order will have on my Physician and Surgeon's Certificate, and agree to be bound thereby. I enter this stipulation freely, knowingly, intelligently and voluntarily.

DATED: 12-27.99

R. Larsen, les

Respondent

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1	I have read and fully discussed the terms and conditions and other matters
2	contained in the above Stipulated Settlement and Disciplinary Order with respondent STEVEN
3	R. LARSEN, M.D., and approve of its form and content.
4	DATED: 21 Quan.
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6	TVI OTO DDAA
- 7	TYLAR DRAA Attorney for Respondent
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9.	<u>ENDORSEMENT</u>
10	The foregoing Stipulated Settlement and Disciplinary Order is hereby
11	respectfully submitted for the consideration of the Division of Medical Quality, Medical Board
12	of California Department of Consumer Affairs.
13	DATED: January 11, 2000.
14	DILL LOCKVED Attorney Coneral
15	BILL LOCKYER, Attorney General of the State of California
16	Dr R Codiznes
17	ISA R. RODRIGUEZ Deputy Attorney General
18	Attorneys for Complainant
19	Exhibit: Accusation
20	forms\stip.dmq [298 rev]
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STATE OF CALIFORNIA BILL LOCKYER, Attorney General MEDICAL BOARD OF CALIFO of the State of California 2 GAIL HEPPELL, Supervising Deputy Attorney General BY Yameh 3 ISA R. RODRIGUEZ (State Bar No. 104838) Deputy Attorney General California Department of Justice 2550 Mariposa Mall, Room 5090 Fresno, California 93721 5 Telephone: (559) 488-7384 6 Attorneys for Complainant 7 BEFORE THE 8 DIVISION OF MEDICAL QUALITY MEDICAL BOARD OF CALIFORNIA . 9 DEPARTMENT OF CONSUMER AFFAIRS STATE OF CALIFORNIA 10 11 Case No. 08-1998-84009 In the Matter of the Accusation) 12 Against: 13 ACCUSATION STEVEN RODNEY LARSEN, M.D. 1800 Easy Street 14 Hanford, CA 93230 15 Physician and Surgeon's Certificate 16 No. G-27758 Physician Supervisor Assistant License No. SA-19134, 17 Respondent. 18 19 The Complainant alleges: 20 **PARTIES** 21 Ron Joseph ("Complainant") brings this accusation 22 1. solely in his official capacity as the Executive Director of the 23 Medical Board of California (hereinafter the "Board"). 24 On or about August 12, 1974, Physician and Surgeon's

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Certificate No. G-27758 was issued by the Board to Steven Rodney

Larsen, M.D., (hereinafter "respondent"). At all times relevant to

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the charges brought herein, this license has been in full force and effect. Unless renewed, it will expire on May 31, 2001.

3. On or about April 15, 1991, Physician Assistant Supervisor License No. SA-19134 was issued by the Physician Assistant Committee to respondent, and at all times relevant to the charges brought herein, this license has been in full force and effect. Unless renewed, it will expire on May 31, 2001.

JURISDICTION

- 4. This accusation is brought before the Division of Medical Quality of the Medical Board of California, Department of Consumer Affairs (hereinafter the "Division"), under the authority of the following sections of the Business and Professions Code (hereinafter "Code"):
 - A. Section 2227 of the Code provides that the Board may revoke, suspend for a period not to exceed one year, or place on probation, the license of any licensee who has been found guilty under the Medical Practice Act.
 - B. Section 2234 of the Code provides that unprofessional conduct includes, but is not limited to, the following:
 - "(a) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the violation of, or conspiring to violate, any provision of this chapter.
 - (b) Gross negligence.
 - (c) Repeated negligent acts.
 - (d) Incompetence."

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C. Section 125.3 of the Code provides, in part, that the Board may request the administrative law judge to direct any licentiate found to have committed a violation or violations of the licensing act, to pay the Board a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

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Section 14124.12(a) of the D. Welfare Institutions Code provides in pertinent part that upon written notice of the Medical Board of California that a physician and surgeon's medical license has been placed on probation as a result of a disciplinary action, no Medi-Cal claim for the type of surgical service or invasive procedure giving rise probationary order and performed on or after the effective date of said probationary order or during the period of probation shall be reimbursed, except upon a prior determination that compelling circumstances warrant the continuance of reimbursement during the probationary period for procedures other than those giving rise to the probationary order.

FIRST CAUSE FOR DISCIPLINE

(Repeated Negligence)

- 5 Respondent is subject to disciplinary action for repeated negligent acts under section 2234(c) of the Code in that he failed to adequately manage the care provided Patient J.C. $^{1/2}$ The circumstances are as follows:
 - A. On or about December 25, 1995, Patient J.C., a four-year-old female, became ill while on a family outing,

^{1.} Initials used to protect privacy. Names will be provided through normal discovery.

complaining of being cold. Later, at home, J.C. developed a fever, was restless and vomited at least once. At approximately 9 p.m., J.C. was taken to the Kaweah Delta Hospital Emergency Room by her mother. By that time, J.C. had vomited again, was congested and had a dry cough. Examination by Dr. Sydney Allen Frank revealed that J.C. was alert, cooperative, and well hydrated. J.C. was diagnosed with a "viral infection, nausea/vomiting," given Phenergan and Tylenol, and sent home with written instructions to contact her physician if her condition worsened.

J.C.'s condition worsened overnight and she was returned to the Kaweah Delta Emergency Room very early the next morning, December 26, 1995. J.C.'s mother kept telling the receptionist that J.C. was very ill but nonetheless had to wait 30 to 45 minutes before being registered by the receptionist at about 7:18 a.m. At 7:32 a.m., J.C. was triaged by an Emergency Room nurse who noted that the child appeared ill with a rash on her hands and torso. Vital signs taken at 7:36 a.m. revealed a pulse of 193, respiratory rate of 44, and a temperature of 102.4 degrees fahrenheit. At 7:45 a.m., J.C.'s blood pressure was noted to be 60 (systolic) which is significantly lower than would be expected for a four-year-old child. Blood for laboratory testing, consisting of a complete blood count and blood culture, was obtained at 7:50 a.m., but the results were not reported until after J.C. was transferred to another facility.

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Emergency Room records indicate that respondent first evaluated J.C. at 8:17 a.m., although respondent apparently gave verbal orders for laboratory tests at 7:41 a.m. Respondent's record of the physical examination of J.C. makes no mention of the purpuric rash but does note that the heart rhythm is regular, when in fact it is tachycardiac. Respondent also fails to note, when describing the lungs, that J.C. is dyspneic with respiration varying between 44 and 56. At 8:21 a.m., respondent ordered a fluid bolus of 200 cc of D5/NS, which is approximately a 10 cc/kg given J.C.'s weight.

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At 8:31 a.m., respondent called for a consultation and consulted with Dr. Ramon Galindo, a pediatrician, at 8:46 a.m. During this consultation, respondent told Dr. Galindo that J.C. had a purple rash on her extremities. Dr. Galindo asked if respondent thought it was meningococcemia and respondent replied that he didn't know because he had never seen meningococcemia before and that he didn't know what the rash was.

Hospital records show that two of the nurses attending J.C. approached respondent, individually, at 8:52 a.m. and at 8:55 a.m. and inquired about beginning antibiotic therapy. However, respondent gave no orders for antibiotic therapy and J.C. continued to be observed in the Emergency Room.

Dr. Galindo arrived at the Kaweah Delta Hospital Emergency Room at 9:30 a.m. to see J.C. Upon examining J.C., Dr. Galindo noticed the rash covered most of her body, she had

a rapid pulse, and was crying. Dr. Galindo determined J.C. had meningococcemia and immediately ordered antibiotic therapy. At 9:45 a.m., Dr. Galindo was advised that J.C. had blood tinged tears, which meant J.C. was having disseminated intravascular coagulopathy (DIC). Dr. Galindo canceled a proposed C.T. scan and arranged for J.C. to be transferred by ambulance to Valley Children's Hospital in Fresno, California.

At 10:10 a.m., J.C. was placed in an ambulance where her mother, a nurse, a paramedic, and the driver were to accompany her to Valley Children's Hospital. En route, J.C.'s condition rapidly deteriorated and the ambulance diverted to the nearest hospital Emergency Room. At 11:04 a.m., the ambulance arrived at Fresno Community Hospital Emergency Room with J.C. in full cardiac arrest. Attempts at resuscitation were unsuccessful and J.C. was pronounced dead at 11:26 a.m.

- 6. Respondent's conduct as set forth in paragraph 5, above, constitutes repeated negligence in that:
 - A. He delayed in assessing and initiating resuscitation in a patient with evidence of septic shock;
 - B. He failed to recognize the significance of the purpura (purple skin rash) and thus failed to diagnose meningococcemia;
 - C. He failed to adequately resuscitate a septic, hypotensive, tachycardic patient in that he ordered a bolus of saline that was insufficient to restore intravascular volume, failed to consider the use of pressor agents, and failed to

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1	initiate early endotracheal intubation and respiratory
2	support;
3	D. He failed to note the rash or the tachycardia
4	during the course of his physical examination of J.C.; and,
5	E. He failed to order antibiotics for a patient
6	with meningococcemia who exhibited signs of septic shock.
7	7. Respondent's conduct as set forth in paragraph 6A
8	through 6E, above, individually or collectively or in any
9	combination thereof constitutes repeated negligence and is
10	thérefore subject to discipline pursuant to Code section 2234(c).
11	SECOND CAUSE FOR DISCIPLINE
12	(Gross Negligence)
13	8. Paragraphs 5 and 6, above, are realleged and
14	incorporated by reference as if fully set forth here.
15	9. Respondent's conduct as set forth in paragraph 6A
16	through 6E, above, individually or collectively or in any
17	combination thereof constitutes gross negligence and is therefore
18	subject to discipline pursuant to Code sections 2234(b).
19	THIRD CAUSE FOR DISCIPLINE
20	(Incompetence)
21	10. Paragraphs 5 and 6, above, are realleged and
22	incorporated by reference as if fully set forth here.
23	-11. Respondent's conduct as set forth in paragraph 6A
24	through 6E, above, individually or collectively or in any
25	combination thereof constitutes incompetence and is therefore
26	subject to discipline pursuant to Code section 2234(d).
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1	<u>PRAYER</u>
2	WHEREFORE, the complainant requests that a hearing be
3	held on the matters herein alleged, and that following the hearing,
4	the Division issue a decision:
5	 Revoking or suspending Physician and Surgeon's
6	Certificate Number G-27758, heretofore issued to respondent Steven
7	Rodney Larsen, M.D.;
8	Revoking or suspending respondent's authority to
. 9	supervise physician's assistants, pursuant to section 3527 of the
10	Code;
11	 Ordering respondent to pay the Division the
12	reasonable costs of the investigation and enforcement of this case
13	and, if placed on probation, the costs of probation monitoring;
14	4. Taking such other and further action as the Division
15	deems necessary and proper.
16	DATED: <u>May 27, 1999</u> .
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19	Ron Joseph
20	Executive Director Medical Board of California
21	Department of Consumer Affairs State of California
22	Complainant
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24	03573-160-SA1999AD0476